

**REMARKS****A. The Election/Restriction Requirement**

The January 26, 2005 Office Action sets forth the following restriction of Applicants' claims:

- Group 1:** Claims 1-3, 12-16, drawn to a probe substrate and a system for controlling the substrate, classified in class 435, subclass 283.1
- Group 2:** Claims 4-11, drawn to a method for detecting nucleic acids, classified in class 435, subclass 6.

In response to the election/restriction requirement, Applicants hereby provisionally elect to prosecute Group 1, corresponding to claims 1-3 and 12-16. The election is made with traverse.

Applicants respectfully traverse this election/restriction requirement on the grounds that the search and examination of the entire application can be made without serious burden to the Examiner. The MPEP states "If the search and examination of an entire application can be made **without serious burden**, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." See MPEP §803 (emphasis added). Applicants respectfully submit that a search for the subject matter of the two groups set forth in the Office Action would pose no "serious burden" because in performing the search for Group 1, the Examiner would likely find references for the other group, to the extent that any such references exist. Thus, Applicants believe that there would be no serious burden on the Examiner.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

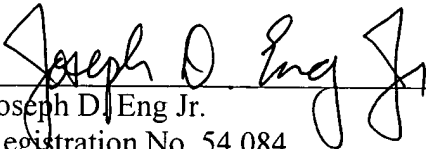
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this paper to Deposit Account No. 13-4500, Order No. 1232-5069. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-5069. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: February 27, 2006

By:

  
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